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PROMOTION AND PROTECTION OF HUMAN RIGHTS:
SCIENCE AND ENVIRONMENT

Written statement*/ submitted by the International Indian Treaty Council,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 January 2000]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

Persistent Organic Pollutants (POPs) are man-made carbon-based chemical compounds. They bioaccumulate in the tissues of living organisms. They are toxic, causing adverse effects to human health and the natural environment. POPs persist for long periods of time before they decompose. Even at low levels of primary contamination, POPs concentrate over time in the human body.

POPs include industrial chemicals like PCBs, pesticides like DDT and by-products of industrial manufacturing and waste disposal, such as dioxins. A growing body of scientific evidence indicates that POPs are among the most toxic substances ever created, causing cancer and birth defects. They have an adverse impact on humans' abilities to have children by limiting the normal growth of the reproductive organs. Clinical health effects include a marked increase in diabetes, hormone-based disorders, behavioral and learning disabilities. POPs have been linked to central nervous system damage, as well as diseases and weakening of the immune system.

POPs travel long distances in air and water, reaching virtually every region of the world. They can eventually accumulate in high concentrations thousands of kilometers from where they were originally released.

Humans are generally exposed to POPs through water and food. Workers and residents of communities near POPs sources are also exposed through inhalation and dermal contact. POPs exposures are highly pronounced in peoples whose diets include large amounts of wild food and especially fish, marine mammals and other aquatic resources.

The widespread proliferation of POPs in the atmosphere and ecosystems presents a particularly critical threat to Indigenous peoples, whose survival, health and well being depends on their traditional relationships with the land, and the food that comes from the land which has sustained them since time immemorial. Subsistence ways of life including hunting, fishing, gathering and traditional farming provides the cultural, spiritual, social and economic foundation for Indigenous Peoples throughout the world.

POPs tend to deposit in the colder regions of the world where the air is denser. They store in the fatty tissues of fish, marine and land mammals, which form a large part of the diet of Arctic Peoples. Some of the best-documented cases of highly exposed populations are Indigenous peoples living in Polar Regions far distant from most POPs sources. The Inuit living on Baffin Island carry seven times more PCBs in their body than peoples living in lower latitudes. The Canadian Arctic Contaminants Assessment Report prepared by all eight Arctic nations showed that levels of POPs in some Inuit is ten to twenty times greater than those tested in warmer temperate regions. Residues of POPs, such as PCBs, DDT, and dioxins were found in blood, fat and mother's breast milk.

POPs pass through the mother's placenta to her unborn child. Research on children and women who regularly eat large amounts of POPs - contaminated fish from Lake Michigan of the Great Lakes of North America resulting from dumping of industrial

wastes, found observable and measurable behavioral effects and learning deficits passed on from one generation to the next. The quality of life and health of the next generation, and the generations to come, is under serious threat.

In the United States and Canada, Mohawks Indians are being exposed to industrial emissions such as PCBs through consuming contaminated fish and wildlife, drinking water sources, soil, dermal contact from swimming, and consumption of breast milk by infants. The Mohawk women carry over 10,000 parts per million of PCB in their bodies that is passed on to their future generations in the womb and through breast milk.

We remind the members that the Commission of the Convention on the Rights of the Child, article 24, recognizes the right of children to the enjoyment of the highest standard of health and mandates that state parties " shall pursue full implementation of this right " and take appropriate measures to combat disease and malnutrition... " through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution". The IITC and IEN urge the state parties to this Convention to seriously reflect upon their responsibilities in this regard.

In the warmer climates of Mexico and Central America, DDT and other hazardous commercial pesticides banned for use in northern industrialized countries are still being imported and used in agricultural practices, which in many countries still include aerial spraying. Farm workers, many times Indigenous Peoples who seek employment on farms and plantations, are usually not provided with warnings or protective gear when they are given pesticide tanks to carry on their backs for spraying crops. The IITC has received direct testimony from Indigenous campesinos in Sonora Mexico, describing the fate of coworkers who carried such tanks, which included skin burns, blisters, rashes, painful illnesses and deaths.

In 1997 in Sonora, Mexico, a study was conducted by a University of Arizona scientist in homelands of the Yaqui Indians, an area targeted by the so-called " green revolution " policies of the Mexican Rural Bank for high pesticide and chemical fertilizer use since the late 1940's. Once again, children were the most seriously affected. This study detected high levels of multiple pesticides in the cord blood of newborns and in mothers' milk. The study found severe learning and development disabilities in Yaqui children living in farming areas where years of high pesticide use contaminated water and soil, compared to children from the hillside areas with less intensive or no exposure.

Stockpiles of PCB, DDT and other chemicals are found in southern countries and Pacific islands near to Indigenous Peoples' communities and food sources. Many of these stockpiles are at military bases and abandoned defense facilities that are leaking chemical substances into the environment.

Clearly, the proliferation of POPs threatens to destroy the health, culture, society and fundamental human rights of Indigenous Peoples. We remind the Commission and all the UN members that Article 1, paragraph 2 in common of the International Covenant on Civil and Political Rights and the International Covenant on Social, Economic and

Cultural Rights states that "in no case may a people be deprived of its own means of subsistence".

In the US, Indigenous fishing Peoples have been informed by the Environmental Protection Agency that the fish they have always eaten are no longer safe to eat due to POPs contamination. Indigenous Peoples are presented with a forced choice between abandoning their traditional means of subsistence, or continuing to eat it and be poisoned.

Given the immense stakes, swift action is needed to eliminate the use and production of chemicals known or suspected to have significant health impacts on human life and the environment. Responsibility rests with the corporations that produce POPs and other toxics, and with the governments responsible for monitoring and legalizing their production, use and disposal.

Precautionary principle mandates that toxics should not be produced or used without prior proof that they pose no threat to human health or the environment. The current process of "risk assessment" proscribes waiting until health problems arise and "proof" the dangers can be documented through extensive studies, usually long after a substance has been in use for years. The current concept of "acceptable risk" employed by industry and governments is based on decisions about how many human deaths are "acceptable", as compared with the potential "benefits" of a chemical or compound. Neither human rights nor the principle of informed prior consent have any place in this model.

In June, 1998 UNEP held the first Intergovernmental Negotiating Committee (INC) meetings to begin work on an international legally binding instrument for implementing international action on certain POPs, beginning with 12 of the most toxic. Indigenous Peoples and NGO's have been actively participating in these meetings pressing for a comprehensive, rigorous and verifiable global treaty on POPs.

Indigenous peoples continue to participate in the INC process to express concerns for safeguarding the environment and traditional subsistence resources, and to defend the fundamental principles of human rights in this regard. Clearly, the impacts of the continued production and proliferation of Persistent Organic Pollutants prevent Indigenous Peoples from the full enjoyment of the highest attainable human rights standards as recognized by existing international instruments.

We strongly encourage the international community and appropriate United Nations bodies to fund POPs- related research, including assisting developing countries shift to effective alternatives, for example alternatives for DDT use in mosquito eradication programs, and to coordinate financial, technological, and capacity-building assistance programs with support from developed countries, multilateral development banks and the private sector.

Most critically, we urge the 56th Session of the Commission on Human Rights to adopt a resolution recognizing the human rights impacts of Persistent Organic Pollutants encouraging participants in the INC process to take the devastating human rights impacts of POPs into consideration in all aspects of their deliberations.
